

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

NATALY HERNANDEZ, §
§
Plaintiff, §
§
v. § **CAUSE NO. 1-21-cv-00127**
COMPREHENSIVE HEALTH
SERVICES, §
§
Defendant. §

NOTICE OF REMOVAL

1. Pursuant to 28 U.S.C. §§ 1332(a)(1), 1441 and 1446, Defendant Comprehensive Health Services, LLC (“Defendant”) by and through the undersigned counsel, notifies this Court that it is removing the above-captioned action currently pending in the County Court at Law No. 1 of Cameron County, Texas to the United States District Court for the Southern District of Texas, Brownsville Division, which is the District Court located in the federal district and division where the State Court Action is pending. In support of this Notice of Removal, Defendant states as follows:

2. Plaintiff filed her Original Petition (“Petition”) against Defendant in the County Court at Law No. 1 of Cameron County, Texas on July 21, 2021, in a civil action entitled, *Nataly Hernandez v. Comprehensive Health Services*, Cause No. 2021-CCL-00596 (the "State Court Action"), alleging sex discrimination and retaliation under the Texas Commission on Human Rights Act. *See* Petition at ¶¶ 6.1-7.4. Plaintiff effected service of the Petition on Defendant on July 28, 2021.

3. Plaintiff's Petition may be removed under 28 U.S.C. § 1332. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 (a)(1) because the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs, and the parties are citizens of different states.

4. The amount in controversy exceeds the sum or value of \$75,000. *See* Petition at ¶ 1.1.

5. There also exists complete diversity of citizenship between the parties. Plaintiff is a citizen of the state of Texas. *See* Petition at ¶ 2.1. Comprehensive Health Services, LLC is a limited liability company organized under the laws of the State of Delaware. *See* Declaration of Daniela Walrath ("Walrath Dec.") at ¶ 4. Caliburn International, LLC is the sole member of Comprehensive Health Services, LLC. *See* Walrath Dec. at ¶ 5. Caliburn International, LLC is a limited liability company organized under the laws of the State of Delaware. *See* Walrath Dec. at ¶ 6. Defendant's principal place of business is located in the State of Florida. *See* Walrath Dec. at ¶ 7. The principal place of business of Caliburn International, LLC is located in the Commonwealth of Virginia. *See* Walrath Dec. at ¶ 8.

6. Defendant may file a notice of removal within thirty days of service of Plaintiff's Petition. 28 U.S.C. § 1446(b)(3). This Notice of Removal is filed with this Court within thirty days of service of the Petition as required by 28 U.S.C. § 1446(b)(3).

7. Pursuant to 28 U.S.C. § 1446(a), Defendant files herein a true and correct copy of all processes, docket sheets, pleadings, and orders served upon this Defendant in the State Court Action.

8. All defendants who have been properly served consent to the removal of this case to federal court.

9. In accordance with 28 U. S.C. § 1446(d), Defendant is promptly filing a copy of this Notice of Removal with the Clerk of the County Court at Law No. 1 of Cameron County, Texas. In accordance with 28 U.S.C. § 1446(d), Defendant is giving written notice to Plaintiff by promptly serving this Notice of Removal.

WHEREFORE, Defendant respectfully requests that the above-captioned action now pending in the County Court at Law No. 1 of Cameron County, Texas be removed to the United States District Court for the Southern District of Texas, Brownsville Division, and that said Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal.

Respectfully submitted,

By: /s/ Julie C. Tower
Patrick S. Richter
State Bar No. 00791524
patrick.richter@jacksonlewis.com
Julie C. Tower
State Bar No. 24070756
Julie.tower@jacksonlewis.com
JACKSON LEWIS PC
816 Congress Avenue, Suite 1530
Austin, Texas 78701
PH: (512) 362-7100
FX: (512) 362-5574

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2021 a true and correct copy of the foregoing document was electronically filed with the clerk for the U.S. District Court, Southern District of Texas, using the ECF system of the court, and that the foregoing document was delivered to the following counsel of record via email:

Cindy A. Garcia
The Law Offices of Cindy A. Garcia, P.C.
1113 Nightingale Avenue
McAllen, Texas 78504
(956) 412-055 (Tel)
(956) 412-7105 (Fax)

/s/ Julie C. Tower _____

Julie C. Tower

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